

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT CHATTANOOGA

ISABEL TERESA FERNANDEZ JENKINS, as	:	
Next of kin of MYKEL D. JENKINS (Deceased),	:	
	:	
Plaintiff,	:	
	:	
vs.	:	Civil Action No. 1:22-cv-69
	:	
CITY OF CHATTANOOGA, CHATTANOOGA	:	
POLICE DEPARTMENT, JOHN DOE 1, JOHN	:	
DOE 2, JOHN DOE 3, and JOHN DOE 4, in their	:	
Official capacities as agents for the Chattanooga	:	
Police Department,	:	
	:	
Defendants.	:	

**CITY OF CHATTANOOGA , CHATTANOOGA POLICE DEPARTMENT
AND JOHN DOES' 1-4 MOTION FOR SUMMARY JUDGMENT**

Come now the Defendants, City of Chattanooga, Chattanooga Police Department and John Does 1-4, and respectfully file their Motion for Summary Judgment pursuant to Rule 56 of the *Federal Rules of Civil Procedure* as to all claims in Plaintiff's Complaint. For cause, the City would show there is no genuine issue of material fact that the Defendant used excessive force and violated the Decedent's civil rights. Accordingly, the City is entitled to a summary judgment as to the Plaintiff's claims.

In support of this motion, the City has filed the following:

- 1) Memorandum of Law in Support of the Motion for Summary Judgment;
- 2) Statement of Undisputed Material Facts;
- 3) Notice of Manual filing containing electronic and video body camera footage of Officer Brian Blumenberg, Officer Blake Martin, and an interview with Isabel Teresa Fernandez Jenkins with the Hamilton County Sheriff's Department attached hereto and incorporated herein as Exhibit A;

- 4) Affidavit of Steven Charles Cogswell, M.D. and Exhibits, attached hereto and incorporated herein as Exhibit B.
- 5) Affidavit of Glenn E. Farr, Pharm.D. and Exhibits, attached hereto and incorporated herein as Exhibit C;
- 6) Excerpts from the August 2, 2023 Deposition of Isabel Fernandez Jenkins, attached hereto and incorporated herein as Exhibit D;
- 7) Affidavit of Emanuel Kapelsohn and Exhibits, attached hereto and incorporated herein as Exhibit E.
- 8) Affidavit of Glen Scruggs and Exhibits, attached hereto and incorporated herein as Exhibit F; and
- 9) Affidavit of Ron Zirk and Exhibits, attached hereto and incorporated herein as Exhibit G.

WHEREFORE PREMISES CONSIDERED, Defendants respectfully request that the Court grant their Motion for Summary Judgment and enter an Order dismissing all claims against all defendants in connection with this matter with prejudice.

Respectfully submitted,

OFFICE OF THE CITY ATTORNEY
CITY OF CHATTANOOGA, TENNESSEE

By: s/ Phillip A. Noblett

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Attorneys for Defendants

CERTIFICATE OF SERVICE

I hereby certify that a copy of this pleading was filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. All other parties will be served by regular U.S. mail. Parties may access this filing through the Court's electronic filing system.

This 2nd day of October, 2023.

s/ Phillip A. Noblett _____

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